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<b>TRANSMITTAL FORM</b>  <small>(to be used for all correspondence after initial filing)</small>	Application Number	10/763,994	
	Filing Date	January 23, 2004	
	First Named Inventor	Jaime E. Garcia	
	Art Unit	3724	
	Examiner Name	G. Alie	
Total Number of Pages in This Submission	6	Attorney Docket Number	JK-01244

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Firm	Black & Decker Inc.		
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Printed Name	Adan Ayala, Esq.		
Date	October 30, 2006	Reg. No.	38,373

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**REQUEST FOR RECONSIDERATION**

Serial No. 10/763,994

UTILITY PATENT

B&amp;D No. JK01244

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re application of: **Jaime E. GARCIA**

Serial No.: 10/763,994


Examiner: G. Allie

Filed: January 23, 2004

Group Art Unit: 3724

For: **SIDE PRESSURE SPLITTER**Assistant Commissioner for Patents  
Washington, DC 20231**REQUEST FOR RECONSIDERATION**

I, Adan Ayala, PTO Reg. No. 38,373, hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office Fax No. (571) 273-8300 on 10-30-06

  
\_\_\_\_\_  
Adan Ayala

Dear Sir:

This is in response to the final Office action of August 8, 2006.

Currently in the above-identified application therefore are Claims 1-15.

The Examiner has rejected Claims 1-15 under 35 USC § 103(a) as being unpatentable over US Patent No. 5,447,085 ("Gochnauer"), in view of US Published Application No.

2002/0174755 ("Behne") and further in view of US Patent No. 6,170,370 ("Sommerville").

Reconsideration and withdrawal of this rejection is respectfully requested.

As admitted by the Examiner, Gochnauer does not teach that "the arbor be[] arranged for adjustably supporting the circular saw blade" as called for in Claims 1 and 9. The Examiner relies on Behne to provide such missing element. However, Behne should be disqualified as prior art pursuant to 35 USC § 103(c), as Behne is owned by the owner of the present application. Applicant